



Planning Commission

MEETING DATE July 23, 2015	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT Anderson-Middleton	FILE NO. AGP2014-00005
SUBJECT Proposal by Anderson-Middleton to amend an Agricultural Preserve by altering the boundaries and changing the minimum parcel size of the land to be added; and to amend an existing land conservation contract by adding land. The property includes approximately 2,556 acres and with the added 17 acres will equal approximately 2,573 acres. The subject parcel is located in the Agriculture land use category south of Highway 46, west of Shed Canyon and approximately 3.5 miles west of the community of Shandon, in the North County / Shandon-Carriso Sub-area planning area.			
RECOMMENDED ACTION Recommend approval of this request to amend an agricultural preserve and amend an existing land conservation contract to the Board of Supervisors as follows: Preserve Designation: Shandon Agricultural Preserve No. 1 Amendment No. 15 Minimum Parcel Size: 40 & 640 Acres Minimum Term of Contract: 10 years			
ENVIRONMENTAL DETERMINATION Categorical Exemption (Class 17) was issued on March 4, 2015 (ED14-184).			
LANDUSE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NO: 019-171-021, 022, 023 & a portion of 038	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040C(2) – Minimum parcel size for new agricultural preserves	
EXISTING USES: Vineyard, grazing land			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Vineyard, grazing <i>South:</i> Agriculture/Grazing, <div style="float: right;"> <i>East:</i> Agriculture/ Vineyard, grazing <i>West:</i> Agriculture/ Vineyard, grazing </div>			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: N/A			
TOPOGRAPHY: Flat to moderately sloping		VEGETATION: Scattered oaks, open grassland	
PROPOSED SERVICES: None required		ACCEPTANCE DATE: March 3, 2015	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER - SAN LUIS OBISPO, CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242			

APPLICATION REVIEW

Summary of Request

This proposal by Anderson-Middleton Logging Company involves a request to amend an existing Agricultural Preserve by altering the boundaries to add 17 acres from an adjacent landowner. Because the land to be added has a different (320 acre) minimum parcel size, the amendment also involves a reduction in minimum parcel size from 320 acres to 40 acres, the effective minimum parcel size on this portion of the land owner's property. The application includes a request to amend the existing Land Conservation Contract by adding 17 adjacent acres which includes a 13 acre vineyard. A lot line adjustment (COAL 14-0064) is currently in process, and is the method by which the 17 acres will be added.

The property includes three legal parcels totaling approximately 2,556 acres. With the added 17 acres, the site will equal approximately 2,573 acres. The property is planted in approximately 1,726 acres of irrigated vineyard at this time.

Background

Adjacent Landowner (Mc Crea Ranch)

In 2013 the adjacent landowner, Mc Crea Ranch (019-171-030) submitted an application to reduce the minimum parcel size from 640 acres to 320 on both the agricultural preserve and contract. A new replacement contract was entered into on December 10, 2013 under Resolution 2013-305, recorded as Document No. 2013-068981. The amendment was based on and formally recognized the change in the minimum parcel size standard in the Rules of Procedure for rangeland properties from 640 to 320 acres. Primarily because of the size of the property the land owner of the McCrea Ranch agreed to a consolidated 320 acre minimum parcel size based on grazing land although some irrigated vineyards are included on the Mc Crea Ranch property as well as grazing land.

Agricultural Preserve

The subject property is part of Shandon Agricultural Preserve No. 1 established on 7/19/71 by Resolution No. 71-319. Although both landowner's properties are included within the original Shandon Agricultural Preserve No. 1, because of the Mc Crea Ranch request for reduction in minimum parcel size which resulted in the the entire Mc Crea Ranch having a 320 acre grazing land minimum parcel size and the Minimum Parcel Size for the applicant's (Middleton-Anderson) property is 40 acres, the 17 acres to be added will be amended to result in an effective 40 acre minimum parcel size, consistent with the Anderson-Middleton property.

Counsel has advised that an amendment to a portion of a large agricultural preserve functions as a new agricultural preserve with distinct boundaries where the resulting minimum parcel size is different from the rest of the agricultural preserve. Since the land areas subject to different minimum parcel size are distinct, the boundaries of the land included in different minimum parcel size must also be amended as in this case.

Land Conservation Contract

The subject parcel (019-171-023) is one of three legal parcels under the original (Sutton) Land Conservation Contract entered into on January 24, 1972, under Resolution No. 72-37, Document No. 2822, Volume 1650 pages 638 through 656 inclusive. The total acreage under this contract is approximately 2,556 acres.

Of the three parcels only one parcel (019-171-023) is subject to the lot line adjustment. The two remaining parcels from the original Sutton contract, not subject to the lot line adjustment, will remain consistent with the terms of the original contract and are large enough to be conveyed individually if the landowner desired.

Complying with the Williamson Act and the Rules of Procedure

Lot Line Adjustment Criteria

Government Code Section 51257 (Williamson Act) sets forth criteria allowing for but limiting the exchange of land through lot line adjustment. The criteria (and intent) limit lot line adjustments involving exchanges of non-contracted and contracted land to ensure that like amounts and equal quality of soils are exchanged to protect agricultural resources generally and to protect higher quality agricultural resources specifically.

Although this application involves a lot line adjustment as the means of conveying land to the applicant, it is actually an addition of land and does not involve any exchange of contracted land to another land owner. County Counsel advised that since land is being added and no mutual exchange of contracted and non-contracted land is involved, an amendment to the existing contract is consistent with the intent of Government Code Section 51257.

The lot line adjustment is consistent with the Williamson Act, Government Code Section 51257. (a) & (b) because the resulting parcels will consist of at least 90 percent (in this case 100%) of the contracted land remaining under contract. Overall, there will be no net loss of land under contract. (This section of the Government Code is focused on the equal exchange of contracted and non-contracted land, however it is still advisable to do this analysis and make the required findings.)

Additions of Land

The 17 acres qualifies for addition to the existing land conservation contract according to the following provision in the Rules of Procedure: *“A property owner under contract who acquires adjacent parcels of any size may add this land by amendment of the existing agricultural preserve and contract; the contract amendment is to recognize the remaining term of the original contract but in no event less than 10 years.”* The Agricultural Preserve will need to be amended to include the additional acreage as noted above.

The existing property subject to contract includes approximately 2,556 acres and with the added 17 acres will equal approximately 2,573 acres. The proposed 17 acre addition which includes 13 acres of vineyard will expand the vineyard ownership for the land owner.

Site and Area Characteristics

As noted above, the 2,556 acre Anderson-Middleton property is planted with approximately 1,726 acres of irrigated vineyard, most of which is located in the northern area of the property. The 17 acres to be added includes 13 acres of irrigated vineyard which will bring the total vineyard acreage to approximately 1,739 acres.

Natural Resources Conservation Service soils rating

The Natural Resources Conservation Service soils rating of the site is as follows:

Class 2 irrigated/Class 4 non-irrigated – irrigated vineyard
Class 3 irrigated/Class 4 non-irrigated - irrigated vineyard
Class 4 irrigated/Class 4 non-irrigated - irrigated vineyard
Class 6 irrigated/Class 6 non-irrigated - irrigated vineyard and grazing
Class 7 irrigated/Class 7 non-irrigated – grazing

The majority of the vineyard is located on Class 2, 3 and 4 soils with a portion located on Class 6 soils. The 17 acres to be added is entirely comprised of Class 4/4 soils. Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

Compliance with the Rules of Procedure

Agricultural Preserve and land Conservation Contract

Although not required to requalify to add land, the northern portion of contracted property, when reconfigured, will meet the current eligibility requirements for a Prime Land agricultural preserve and land conservation contract since it has well over 40 acres of irrigated vineyard on Class 3,4,6 or 7 or better soils on the northern portion of the property. The southern portion of the property is under a 640 acre minimum parcel size from the original Shandon Agricultural Preserve No. 1 and will remain subject to the 640 acre minimum parcel size for this area of the contract. The southern portion of the property, not part of the lot line adjustment, would qualify for a 320 acre grazing land preserve based on soil types and acreage.

The reconfigured property will remain consistent with the current minimum parcel size of 40 acres. The added 17 acres, currently under an Agricultural Preserve with a 320 acre minimum parcel size will be amended to be 40 acres, consistent with the reconfigured parcel and the current irrigated vineyard use. The appropriate minimum term of contract is 10 years because the existing contract is currently maintaining a 10 year term.

Agricultural Preserve Review Committee

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on March 16, 2015 at the SLO County Board of Supervisors Chambers,

County Government Center, 1055 Monterey Street, Room D170, in San Luis Obispo, California,
at 1:30 p.m.

Terry Wahler, staff: presents staff report.

Dick Nock: discusses the relationship between the McCrean Ranch and the Anderson-Middleton agricultural operation in terms of leasing grapes, noting that Anderson-Middleton planted grapes on land leased from the Mc Crean Ranch and would now like to buy this vineyard. Mr. Wahler affirms that this is the purpose of the request to amend the Agricultural Preserve and contract.

Irv McMillian: asks if this is the only parcel that is subject to a 40 acre minimum parcel size with Mr. Wahler stating that the vineyards being purchased by Anderson-Middleton are on the northern part of the Mc Crean Ranch property and will be added to the 40 acre minimum parcel size in the Anderson Middleton Agricultural Preserve and contract.

Irv McMillian: asks if the requirements were for this parcel to be irrigated with Mr. Wahler responding that when the Agricultural Preserve was established in 1971 it was based on soils type (prime soils), land capability and potential for irrigated crops.

Bill Robeson: opens Public Comment.

Jamie Kirk, agent: comments on how the preserve site was adjusted.

Thereafter, on motion of Dick Nock, seconded by Royce Larsen and on the following roll call vote:

AYES: Dick Nock, Royce Larsen, Don Warden, Irv McMillian, Hugh Pitts, Robert Sparling, Lynda Auchinachie, Jeff Stranlund, Bill Robeson, Paul Hoover

NOES: None

ABSENT: Jennifer Anderson, Kaila Dettman, Lynn Moody

The APRC recommends the Board of Supervisors approve this request to amend an Agricultural Preserve and amend an existing land conservation contract as follows: Preserve Designation: Shandon Agricultural Preserve No. 1 Amendment No. 15. Minimum Parcel Size: 40 & 640 Acres. Minimum Term of Contract: 10 years.

RECOMMENDATIONS

Recommend approval of this request to amend an agricultural preserve and amend an existing land conservation contract to the Board of Supervisors as follows:

Preserve Designation: Shandon Agricultural Preserve No. 1 Amendment No. 15
Minimum Parcel Size: 40 & 640 Acres
Minimum Term of Contract: 10 years

FINDINGS

- A.** The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, the Agriculture Element, the Conservation and Open Space Element, and the County's Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being adjusted to reflect new property boundaries, to consolidate the minimum parcel sizes on the reconfigured parcel resulting from the lot line adjustment. The agricultural land uses and agricultural productivity will be enhanced by the addition of vineyard acreage.
- B.** The proposed amendment of this agricultural preserve is appropriate and consistent with the rural character of the surrounding area.
- C.** The proposed replacement contract is consistent with the San Luis Obispo County General Plan, including the Land Use Element, the Agriculture Element, the Conservation and Open Space Element, and the County's Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being adjusted to reflect new property boundaries and the agricultural land uses and agricultural productivity will be enhanced.
- D.** The proposed replacement contract is appropriate and consistent with the rural character of the surrounding area.
- E.** The new contract will enforceably restrict the adjusted boundaries of the newly configured parcel for a minimum of ten years.
- F.** There is no net decrease in the amount of acreage restricted by land conservation contract.
- G.** The new contract for the resulting parcel will consist of at least 90 percent of the land under the former contract.
- H.** The parcel of land after the adjustment will be large enough to sustain the current agricultural use.
- I.** The lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to contract.
- J.** The lot line adjustment will not be likely to result in the removal of adjacent land from agricultural use.
- K.** The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.